

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 11-14 and 18-26 are now present in this application. Claims 25 and 26 are added. Claims 11, 22, 25 and 26 are independent. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

I. Restriction/Election

Applicants respectfully continue to traverse this restriction requirement.

The original restriction requirement restricted between Group I, claims 11-14 and 18-21, drawn to a disk transferring device, and Group II, claims 22-24 drawn to guide arms for a disk drive.

Applicants elected, with traverse, Group I, claims 11-14 and 18-21.

This Office Action states, on page 2, that claims 18-21 are withdrawn from consideration as being drawn to a non-elected invention, then treats claims 11-14 and 18-21 on the merits on pages 3-5 of the Office Action.

Under the circumstances, Applicants respectfully submit that what the Examiner meant to say was that claims 22-24 were withdrawn from consideration, and this is how the Office Action will be treated.

In the first place, claims 11-14 and 18-21 recite a combination of disk transferring device features, whereas claims 22-24 recite a subcombination of the disk transferring features recited in claim 11.

Claim 11, for example, recites a combination of features including a balance guide unit for precisely inserting a disk and a holder guide unit connected with the balance guide unit for guiding the disk until the disk transfer is finished. Claim 22, for example, recites just the subcombination of a first guide component (corresponding to the balance guide unit) and a second guide component (corresponding to the holder guide unit) and sets forth details of the first guide unit (corresponding to the balance guide unit).

Thus, claim 22 can be considered a subcombination of the combination of features recited in claim 11.

In such situations, in order to restrict between claims 11-14 and 18-21, and claims 22-24, the Office must demonstrate two-way distinctness. See MPEP §806.05(c). That is, the Office must show that (1) the combination as claimed does not depend on the particulars of the subcombination for patentability; and (2) the subcombination can be shown to have utility either

by itself or in other different relations. Neither of these required showings has been made in the Office Action.

Applicants respectfully submit that the claimed inventions of Groups I and II are subcombinations usable together is incorrect, and that the showing made to demonstrate that is also irrelevant to the showing needed to be made when addressing the situation in which what is claimed is related as combination and subcombination claims.

Accordingly, the restriction requirement is improper and should be withdrawn, and claims 1-14 and 18-24 examined on their merits.

II. Rejection Under 35 U.S.C. § 102/ 35 U.S.C. § 103

Claims 11-14, 18 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Morikawa et al. (U.S. Patent No. 5,173,893).

Claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morikawa et al. (U.S. Patent No. 5,173,893) in view of Agostini (U.S. Patent 4,674,079). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Applicants respectfully submit that independent claim 11 recites a combination of elements in a disk transferring device for a disk drive including a holder guide unit, and a selection guide unit which is connected with the

holder guide unit for positioning the disk according to the size of the disk. Applicants respectfully submit that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Morikawa et al.

For example, Morikawa does not disclose “a holder guide unit . . . for guiding the disk moved by the moving unit and guiding the disk until the disk transfer is finished,” as recited.

Morikawa's holder guide unit, said to be unit 15 has nothing at all to do with guiding the disk at all, let alone “until the disk transfer is finished.” In Morikawa, unit 15 is actually the centering lever 15 of centering mechanism 12, used to center the centering arms 13 and 14

In Morikawa, the centering arms 13 and 14, which are characterized by the Office Action as “balance guide unit13” comprise the only guiding unit, using guide pins 18 and 19 to guide small diameter disks 106.

Centering lever 15 does not guide the disk at all, let alone until the disk transfer (to the spindle) is completed. The only guiding of the small disk 106 is done by guide pins 18 and 19, which are part of the centering arms, not part of the centering lever.

Accordingly, claims 11-14 and 18-21 are not anticipated by Morikawa.

Consequently, Applicants' claimed invention is not anticipated by (nor rendered obvious over) Morikawa et al. based upon at least the reasons stated above.

Applicants respectfully submit that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Morikawa et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 12-14 and 18-21, Applicants submit that these claims depend, either directly or indirectly, from independent claim 11 which is allowable for the reasons set forth above, and therefore claims 12-14 and 18-21 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

III. Claims 22-24

Independent claim 22 recites a combination of elements in a disk transferring device for a disk drive including a first guide component to guide a disk being inserted into or removed from an opening of the disk drive; and a second guide component operatively connected with the first guide element to guide the disk into and from an inner portion of the disk drive, wherein the first guide component comprises: a pair of guide arms that remain at a first position when guiding edge portions of a disk having a first size, and that move to a

second position when guiding edge portions of a disk having a second size; and a transfer device that cooperates with the pair of guide arms to operatively contact with a surface of and transfer the disk inserted into and removed from the disk drive. Applicants respectfully submit that this combination of elements as set forth in independent claim 22 is not disclosed or made obvious by the prior art of record. Claims 23 and 24 depend from independent claim 22 and are therefore allowable based on their dependence from claim 22 which is believed to be allowable. In addition, claims 23 and 24 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 22-24 are respectfully requested.

IV. Claims 25 and 26

Claim 25 positively recites a combination of features, including a selection guide unit which is directly connected with the holder guide unit for positioning the disk according to the size of the disk. No such direct connection is disclosed or suggested by any of the applied references.

In Morikawa, selection guide unit 42 is not directly connected to holder guide unit, which is characterized as centering lever 15. Instead, centering lever 15 is indirectly connected to selection guide unit 42 via balance guide unit.

Claim 26 positively recites a combination of features, including a holder guide unit having a rod for guiding a side of the disk and which is connected

with the balance guide unit and is operated by operation of the balance guide unit for guiding the disk moved by the moving unit and guiding the disk until the disk transfer is finished. No such holder guide unit having a rod for guiding a side of the disk is disclosed or suggested by any of the applied references, including Morikawa.

Consideration and allowance of claims 25 and 26 are respectfully requested.

III. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area. In particular, Applicants respectfully request a telephone interview with Examiner Davis to resolve any issues remaining after Examiner Davis considers this Amendment.

Application No.: 09/617,430
Art Unit 2652

Attorney Docket No. 0630-1084P
Amendment filed November 3, 2004
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Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$430.00 is attached hereto.

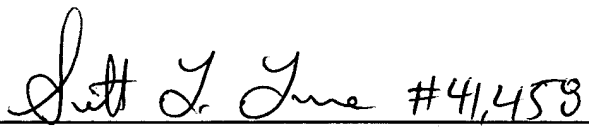
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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